



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/709,704

05/24/2004

Alex Colvin

81100109

3703

46535 7590 04/30/2009
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

EXAMINER

MCCALL, ERIC SCOTT

ART UNIT

PAPER NUMBER

2855

MAIL DATE

DELIVERY MODE

04/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/709,704	COLVIN ET AL.
	Examiner	Art Unit
	Eric S. McCall	2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 20 April 2009 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The Applicants' comments have been considered but have not been found to be persuasive. For upon the expiration of the Applicant's time period for further appeal, the Examiner converted the dependent claims in which the Board reversed the Examiner's rejection into independent form and cancelled all claims in which the Board affirmed the Examiner's rejection as per MPEP 1214.06. The Applicant is not entitled to the previously appealed dependent claims in which the Board affirmed the Examiner's rejection. For this reason, the proposed claim amendment will not be entered.

The Applicant's proposed claims rewrite previously appealed dependent claims 2-6, 8-11, and 13 as dependent claims 36-45. Claims 36-45 depend from claim 12. However, these dependent claims in combination with claim 12 were never previously considered. Likewise, proposed claims 46-53 rewrite previously appealed dependent claims 16-19, 22-24, and 27. Claims 46-53 depend from claim 21. These dependent claims in combination with claim 21 were never been previously considered. As such, the proposed claim amendment has further been disapproved.

/Eric S. McCall/
Primary Examiner
Art Unit 2855